

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

Douglas Conner and Sandra Conner,

Plaintiffs,

vs.

Hennadiy Topchiy, TIA Trucking, Does 1-X,
Roe Business Entities,

Defendants.

Case No. 1:18-CV-152

NOTICE OF REMOVAL

[1] PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1441 *et seq.*, Defendants Hennadiy Topchiy and Tia Trucking (hereinafter “named Defendants”) hereby remove this action from the Kidder County District Court of the State of North Dakota, Southeast Judicial District, to this Court on the grounds that this Court has subject matter jurisdiction over this action under 28 U.S.C. § 1332(a)(1) because there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.00, exclusive of interests and costs. The grounds for removal are as follows:

[2] The action was commenced in Kidder County District Court of the State of North Dakota, Southeast Judicial District, by Summons and Complaint dated June 20, 2018. A copy of the Summons and Complaint are attached as Exhibit A. A copy of Defendants’ Answer and Jury Demand is attached as Exhibit B.

[3] Plaintiffs Douglas Conner and Sandra Conner served the named Defendants with a copy of the Summons and Complaint on June 23, 2018. This removal is timely pursuant to 28 U.S.C.

§1446(b) because this Notice of Removal has been filed prior to the expiration of thirty (30) days after formal service.

[4] Defendant Hennadiy Topchiy is a resident of the State of Oregon.

[5] Defendant Tia Trucking is an assumed business name of Iryna Topchiy, a resident of the State of Oregon.

[6] Plaintiffs Douglas Conner and Sandra Conner are residents of the State of Wisconsin.

[7] Plaintiffs are alleging claims of negligence against the named Defendants resulting in personal injuries. It is believed the Plaintiff is requesting damages in an amount in excess of the statutory limit, which will exceed \$75,000.00.

[8] Consequently, the Complaint alleges a civil action between the Plaintiffs, who are located in Wisconsin, and the named Defendants, which are located in Oregon, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Accordingly, this action is removable to federal court pursuant to 28 U.S.C. § 1441(a) because it could have been filed originally in this Court pursuant to the diversity of citizenship jurisdiction conferred by 28 U.S.C. § 1332(a)(1).

[9] Venue for removal is proper in this district under 28 U.S.C. § 1441(a) because this district embraces the Kidder County District Court of the State of North Dakota, Southeast Judicial District, the forum in which the removed action was pending.

[10] Pursuant to 28 U.S.C. § 1446(d), promptly after the filing of this Notice of Removal, named Defendants will give written notice to the Plaintiffs and file a copy of this Notice of Removal with

the Clerk of the Kidder County District Court of the State of North Dakota, Southeast Judicial District.

Dated: July 16, 2018.

FLOM LAW OFFICE, P.A.

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